



# FENWICK & WEST LLP

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## FACSIMILE TRANSMISSION

### CONFIDENTIAL

DATE: February 7, 2006

CLIENT-MATTER NO.: 23540-07445

**To:**

NAME	FAX NO.	PHONE NO.
Examiner Marjorie Moran Group Art No. 1631 US Patent And Trademark Office	571-273-8300	

FROM: Susan T. Hubl

PHONE: (415) 875-2316

SENT BY: Tiffany Bell

PHONE: (415) 875-2445

RE: U.S. Patent Appl. No. 09/955,663

NUMBER OF PAGES WITH COVER PAGE: 16

ORIGINAL WILL NOT FOLLOW

**MESSAGE:**

Response with 1 month Extension of Time

### CAUTION - CONFIDENTIAL

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23540/01000/SF/5161340.1

PTO/SB/21 (modified)

Approved for use through xx/xx/xx, OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

0001/PTO Rev. 10/95		U.S. Department of Commerce Patent and Trademark Office		Application Number	09/955,663
<b>TRANSMITTAL FORM</b>  (to be used for all correspondence during pendency of filed application)				Filing Date	September 19, 2001
				First Named Inventor	David M. Rocke
				Group Art Unit Number	1631
				Examiner Name	MARJORIE MORAN
Total Number of Pages in This Submission		15		Attorney Docket Number	23540-07445 (UC Ref 2001-072-2)

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ENCLOSURES (check all that apply)	
<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input checked="" type="checkbox"/> Deposit Account Authorization <input type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Response to Notice to File Missing Parts <input type="checkbox"/> Assignment & Recordation Cover Sheet <input type="checkbox"/> Declaration (copy) <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Information Disclosure Statement & PTO/SB/08A <input type="checkbox"/> Copies of ____ Cited References <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Copy of Filing Receipt <input checked="" type="checkbox"/> Response w/1 Mo. Extension: [12] Page(s) <input type="checkbox"/> After Final <input type="checkbox"/> Status Request <input type="checkbox"/> Revocation and Substitute Power of Attorney	<input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Letter to Chief Draftsperson <input type="checkbox"/> Formal Drawing(s): [ ] Sheet(s) of Figure(s) [ ] <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____
REMARKS:	

SIGNATURE OF ATTORNEY OR AGENT			
Signature:	<i>Susan T. Hubl</i>		
Attorney/Reg. No.:	Susan T. Hubl, Ph.D., Reg. No. 47,668	Dated:	February 7, 2006

CERTIFICATE OF FACSIMILE TRANSMISSION			
I hereby certify that this correspondence, including the enclosures identified above, is being transmitted via facsimile on the date shown below to: Mail Stop Amendment, Commissioner for Patents, at the facsimile number of (571) 273-8300;			
Signature:	<i>Susan T. Hubl</i>		
Typed or Printed Name:	Susan T. Hubl, Ph.D.	Dated:	February 7, 2006
Express Mail Mailing Number (optional):			

23540/07445/SF/5161329.1

# FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

Complete if Known

Application Number	09/955,663
Filing Date	September 19, 2001
First Named Inventor	David M. Roche
Examiner Name	Marjorie Moran
Art Unit	2131
Attorney Docket No.	23540-07445 (UC Ref 2001-072-2)

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☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

\$ 60.00

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None  
☒ Deposit Account

Deposit Account Number 19-2555

Deposit Account Name Fenwick &amp; West LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge all required fee(s) or any underpayment of fee(s) due under 37 CFR §1.16 or §1.17 during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
2001					
SUBTOTAL (1)					(\$) 0

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from Below	Fee Paid
11	20	0	0
1	3	0	0

Multiple Dependent

Large Entity Fee Code	Small Entity Fee Code	Fee Description
1202 50	2202 25	Claims in excess of 20
1201 200	2201 100	Independent claims in excess of 3
1203 360	2203 180	Multiple dependent claim, if not paid
1204 200	2204 100	**Reissue independent claims over original patent
1205 50	2205 25	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)0

-or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath or declaration	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 120	2251 80	Extension for reply within first month	60
1252 450	2252 225	Extension for reply within second month	
1253 1020	2253 510	Extension for reply within third month	
1254 1,590	2254 795	Extension for reply within fourth month	
1255 2,160	2255 1,080	Extension for reply within fifth month	
1401 500	2401 250	Notice of Appeal	
1402 500	2402 250	Filing a brief in support of an appeal	
1403 1000	2403 500	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 500	2452 250	Petition to revive - unavoidable	
1453 1,500	2453 750	Petition to revive - unintentional	
1501 1,400	2501 700	Utility issue fee (or reissue)	
1502 800	2502 400	Design issue fee	
1503 1100	2503 550	Plant issue fee	
1460	1460	Petitions to the Director	
1807 50	1807 50	Processing fee for Provisional Applications	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) Request to Correct Inventorship in Provisional Application

SUBTOTAL (3) \$ 60.00

\*Reduced by Basic Filing Fee Paid

## SUBMITTED BY

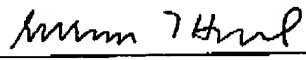
Complete (if applicable)

Name (Print/Type)	Susan T. Hubl, Ph.D.	Registration No. (Attorney/Agent)	47,668	Telephone: (510) 875-2316
Signature	<i>Susan T. Hubl</i>		Date	February 7, 2006

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 07 2006

APPLICANT(S):	David M. Roche
APPLICATION NO.:	09/955,663
FILING DATE:	September 19, 2001
TITLE:	Method for Determining Measurement Error for Nucleic Acid Microarrays
EXAMINER:	Marjorie Moran
GROUP ART UNIT:	1631
ATTY. DKT. NO.:	23540-07445US (UC Ref 2001-072-2)
CERTIFICATE OF TRANSMISSION	
I hereby certify that this correspondence is being transmitted on the date shown below via facsimile to the attention of: Examiner MARJORIE MORAN at facsimile number 571-273-8300.	
<u>2/7/06</u> Date	 Susan T. Hubl, Ph.D., Reg. No.: 47,668

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

## RESPONSE

SIR:

In Response to the non-final Office Action mailed 10/07/05 Applicant respectfully requests reconsideration of the claims in the above-identified application in view of the following amendments and remarks for the purpose of putting the application in condition for allowance. Included with this Response is a Request for Extension of Time for 1 month(s) and the appropriate fee. This Response therefore is timely filed.

Applicant notes that the Attorney Docket No. for this case has changed. The correct Attorney Docket No. is 23540-7445US.

Amendments to the Claims begin on page 2. Remarks begin on page 5.

02/08/2006 TL0111 00000046 192555 09955663  
01 FC:2251 60.00 DA